

Louisiana Public Service Commission

Located at 602 North Fifth Street; Baton Rouge, LA 70802

Mailing Address PO Box 91154; Baton Rouge, LA 70821

Transportation Division: (888) 342-5717

APPLICATION FOR APPROVAL OF TRANSFER OR LEASE OF CERTIFICATE/PERMIT

REQUIREMENTS AND SUGGESTED FORM

1. Notarized application signed jointly by transferor AND transferee (or lessor AND lessee) must be filed in the Commission's office, Post Office Box 91154, Baton Rouge, Louisiana 70821-9154. Five (5) copies should accompany the original application. Only the original must be notarized.
2. Filing fee for such application is:
 - a. For transfer or lease of Common Carrier Certificate - \$200.00
 - b. For transfer or lease of Contract Carrier Permit - \$150.00
3. The original application must be accompanied by:
 - a. List of witnesses, the witnesses' addresses, and a statement of the anticipated time of presentation of the case-in-chief;
 - b. Transferee's (or lessee's) sworn financial statement showing assets and liabilities and the banks with which he does business;
 - c. Letter from an insurance company qualified to do business in Louisiana stating that it will write the required public liability and property damage coverage in the event application is approved;
 - d. Copy of an agreement covering the proposed sale or lease of certificate or permit signed by all parties;
 - e. If transferee or lessee is a corporation, a statement showing officers and stockholders must be furnished if such information is not shown in the application;
 - f. Affidavit showing substantial operation of the certificate or permit for the preceding six (6) months, or setting forth causes of non-operation, if any.
4. The public need of the service authorized by the certificate or permit covered under the application having already been previously established, no further showing in this respect is ordinarily required. Transferee or lessee, however, may be called upon to prove his responsibility, both financial and otherwise, and his ability to give the proper service.

If applicant already holds other operating rights, this should be stated in application with reference to authority number and to degree practical (at least in digested form) rights should be shown so that the total service to be authorized will be reflected. Common carrier rights may not be acquired by a contract carrier, nor a contract carrier permit acquired by a common carrier. Further, the Commission's rules provide that when a motor carrier holding operating authority acquired by purchase or lease or other similar authority the two shall be merged into one and both authorities reissued to the carrier as one. In the event of minor duplication the newly acquired authority is noted to provide that it does not authorize rights duplicating those already held by the carrier. It should be also noted that a contract carrier may not acquire additional rights to the extent it would have in excess of five (5) contracts.

The Commission in passing upon applications for transfer or lease of motor carrier rights will consider

- a. the fitness and ability of the transferee or lessee to perform the service contemplated by the operating authority; and
 - b. the effect of the transfer, lease or merger upon competing carriers and the general transportation picture; and
 - c. whether the transaction would adversely affect public interest; and
 - d. whether or not the rights are eligible for transfer under the provisions of R.S. 45:166. Please note that the burden is upon the applicants to prove that the permit or certificate has been substantially operated during six (6) months immediately preceding the application to transfer or lease, or that failure to so operate has been due to causes completely beyond the permit holder's control, as provided under the term of R.S. 45:166.
5. Out-of state carriers must show Louisiana domicile of operation or address of person or persons residing in Louisiana to whom notices may be addressed, or process served.
 6. At the hearing applicant will be required to offer proof that requirements of LPSC General Order dated March 18, 1994 and LRS 45:166(b) have been satisfied..

THIS FORM IS SUGGESTED FOR USE AS A GENERAL GUIDE AS TO STYLE AND FORM ONLY IN PREPARING APPLICATION. IT SHOULD BE MODIFIED TO MEET THE NEEDS OF EACH INDIVIDUAL APPLICATION AS TO PARTICULAR AUTHORITY SOUGHT.

FORM SUGGESTED FOR USE AS A GENERAL GUIDE IN PREPARING APPLICATION.

TO THE LOUISIANA PUBLIC SERVICE COMMISSION:

The joint petition of _____ and
(Transferor or Lessor)

_____ with respect represents:
(Tranferee or Lessee)

That on _____ your Commission issued to _____
(Date) (Transferor or

_____ a certificate of Public Convenience and Necessity
Lessor)

(Or Contract Carrier Permit) Number(s) _____, authorizing the
for-hire transportation by motor vehicle:

(Quote for certificate or permit)

Your petitioner _____ now shows he desires to
(Transferor or Lessor)

sell and transfer (or lease, as the case may be) all of his rights, title and interest in said authority

to _____ whose address is
(Transferee or Lessee)

Your petitioners represent that granting of application herein will be in public interest,
and _____ hereby represents that he will in all respects
(Transferee or Lessee)

comply with all laws and rules and regulations of the Louisiana Public Service Commission.

WHEREFORE, petitioners pray that the necessary order issue by the Commission, allowing and approving transfer (or lease) proposed hereunder, and for all and general relief.

DATE AT: _____

(Transferor or Lessor)
(Transferor or Lessor)

VERIFICATION

STATE OF LOUISIANA

PARISH OF _____

_____ and _____

being duly sworn, deposes and says: That they are the applicants in the above application; that they have read the same and know the contents thereof: that facts as stated are true, except as to matters and things, if any, stated on information and belief, and that as to such matters and things, they believe them to be true.

(Transferor or Lessor)

(Transferee or Lessee)

Sworn to and subscribed before me by the
said affiants on this _____ day of
_____, 20____.